



August 27, 2013

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OCSD
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We realize Orange Co. Sanitation District is required to follow Federal Regulation as is Tiodize.

OCSD has cited a section of the Federal Regulation (40 CFR 403.3(k)) in the most recent letter to Tiodize regarding 'Existing Source' vs. 'New Source' status.

We do not agree with the OCSD interpretation and assessment.

Within 40 CFR 403.3(k) is section 1, which defines 'New Source' for construction after Oct. 17, 1988, as follows.

- (i) The building, structure, facility or installation is constructed at a site which no other source is located.
- (ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.
- (iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

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None of these address changes at Tiodize.

- (i) No construction was done at a location which no other source is located.
- (ii) Tiodize did not **totally** replace the process or production equipment that causes the discharge at our existing source.
- (iii) No independent production or wastewater generating process has been created at our existing site.

This leaves only 40CFR 403.3(k) section 2 in consideration for a 'New Source' status.

It states: Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (k)(1)(ii) or (k)(1)(iii) but otherwise alters, replaces, or adds to existing processes or production equipment.

Tiodize did not create a new building, structure, facility or installation meeting the criteria of paragraphs (k)(1)(ii) or (k)(1)(iii) as stated above. This leaves the remaining part of section 2.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction alters, replaces, or adds to existing processes or production equipment.

This indicates an existing source can alter, replace or add to existing processes or production equipment without falling under a 'New Source' category.

The following addresses each of the items OCSD listed as reasons for placing Tiodize under 'New Source' status.

Addition of water based degreasers:

This was a conversion from solvent vapor degreasing to a biodegradable water based degreasing solution. It may have been added to our paperwork, but no new process or new equipment was installed.

The same degreasing tanks were used in this modification, after removing all solvent, and replacing it with biodegradable water based solution.

This falls under **modification** as it **alters an existing process**.

This water based degreaser is not a new source of pollution as it is non-toxic, biodegradable and has been approved by AQMD.

Addition of aluminum stripper:

The aluminum stripper is an aluminum anodize stripper. Aluminum anodize stripper is a standard bath in an aluminum anodize process. It has not been added and has been a part of the process well before the cutoff date. We have eliminated other types of aluminum anodize strippers because of their toxic chemicals.

The replacement solution may be labeled with a different name, but is still the same process.

This falls under **modification** as it **alters or replaces an existing process**.

Addition of dark brown dye, olive drab dye, and violet dye:

Color dyes have been a part of our aluminum anodize process 1976.

Adding different color dyes, does not change the process.

This falls under **modification** as it **adds to the existing process**.

Addition of Penetrant oil P-134, fluorescent Penetrant and rinse:

Penetrant inspection has been a part of our process well before the cutoff date. It is my understanding that it was not on your list initially, but was added to your list at some point. It was not and still is not in the anodize process containment area and was most likely overlooked initially.

During an OCSD inspection (Mid 1990's), the inspector observed the dye penetrant system and asked to include it in our processes.

This is a paperwork correction and not the addition of a new process.

Addition of titanium cleaning solution 'Boeing':

Titanium cleaning solution has been a part of the titanium anodize process since 1976. Boeing required a tank to be used for their parts only. We accommodated this requirement by providing a tank for Boeing parts.

This is not a new process but rather a **modification** as it **adds to the existing process or production equipment**.

Change of approximately eight process tanks to a larger volume:

This could be an error in paperwork. We have found mistakes in some of our original paperwork and continue to correct this. Please be more specific as to which tanks you are referencing, so we can check for errors.

Regardless, replacement or modification of tanks would fall under **modification** as it **alters or replaces existing production equipment**.

New piping construction at the counter-current rinses:

This falls under **modification** as it **alters or replaces existing production equipment**. Tiodize previously discussed this with EPA personnel, that resulted in them agreeing this should not trigger 'New Source' status.

It appears OCSD has changed the status of Tiodize from Existing Source to New Source outside the guidelines of the Federal Regulations. We request you correct this error by returning Tiodize to 'Existing Source' per the Federal regulation requirements.

Tiodize installed a very efficient waste water treatment facility. This system, still today, provides a very clean effluent.

Our history shows how well it works and consistently provides heavy metal concentrations at 1/10th or less of the limits required. Our low levels of pollutants would meet any EPA standard.

However, being able to meet higher standards is not a justification to upgrade to the more stringent standards of "New Source" status under 40 CFR Part 433 Metal Finishing category.

Respectfully,



Gary Wittman

TIODIZE CO, Inc